

# BOULEVARD PLANNING GROUP

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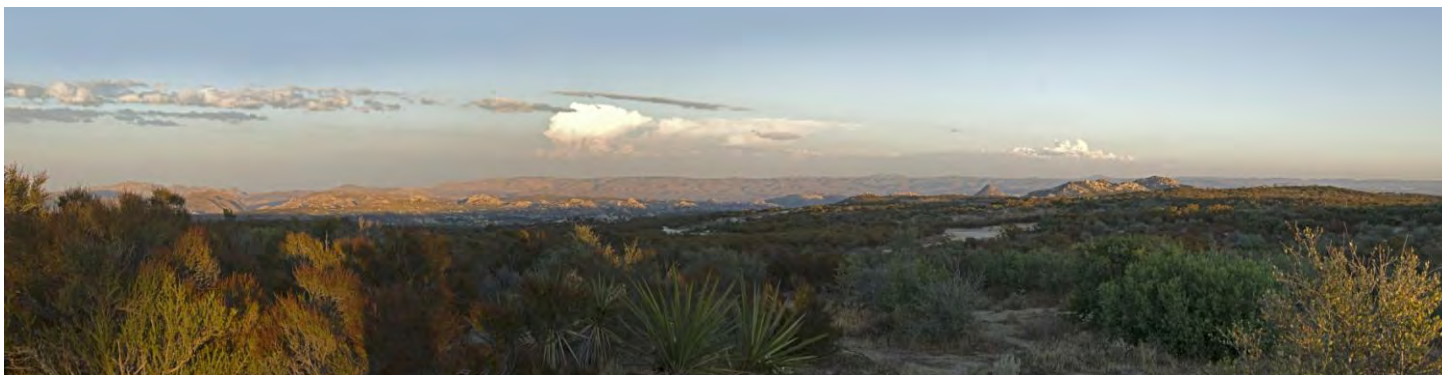
## **RE: APRIL 5TH ZONING ADMINSTRATOR HEARING FOR ENEL JEWEL VALLEY MET FACILITY APPLICATIONS: AD10-051, AD10-052 & AD 10-053**

Dear Mr. Brown,

Please include this letter of strong opposition in the staff report for the ZA hearing on the Enel Jewel Valley MET facility applications, as identified above, or by any other name or identification number that is currently being used for the proposed 15 MET facilities.

The Boulevard Planning Group has voted twice, with strong justification and documentation, to oppose all of Enel's MET facility permit applications. The first vote was taken on December 2, 2010, the second was taken on March 3, 2011 on the slightly revised permit applications addressing line of sight and noise related issues raised by staff. The minutes for the December meeting were approved at our meeting on January 6, 2011 and are on record with the County. However, our Secretary has not yet completed the draft minutes for March.

The panoramic photograph below, taken by Bill Parsons from Tierra Del Sol Road, shows the currently stunning, extensive, and open views of the Sierra Juarez Mountains in the distance, over Jewel Valley that is hidden from view in the middle ground. The Sierra Juarez are under review for 1,250 MW of wind turbine projects, Jewel Valley is now planned for 158 MW, and Invenergy has MET tower leases just west of Tierra Del Sol Road on private land, and is preparing for the Bureau of Indian Affairs release of the Notice of Intent for their 2-phase 300 MW wind project with SDG&E and the Campo Kumeyaay Nation, where 6 MET towers are already installed. Boulevard property owners will be sandwiched between multiple wind energy projects at distances of less than 1.25 miles--the bare minimum distance now being recommended by medical and other professionals to protect public health and safety. Setbacks of 2 miles and more are now being recommended for open rural land like the Boulevard area that is targeted for transformation into an industrial energy zone.



**Enel's Jewel Valley MET Facility Permit applications, and proposed Categorical Exemptions, must be denied based on the information listed below... and more:**

- ***Categorical Exemption under CEQA Guidelines Section 15036 is not applicable.*** Therefore any ZA approvals so stating will not be CEQA compliant.
- ***The MET facilities gather data to support Commercial Industrial wind and solar projects.***
- ***Significant Effect is applicable to the Enel applications due to unusual circumstances*** including future / reasonably foreseeable activities of wind turbine projects and their harmful effects.
- ***A MUP and CEQA review is required due to significant and cumulative impacts from existing, proposed, and reasonably foreseeable industrial scale wind turbine projects and related infrastructure.***
- ***MET facilities, and the industrial wind and solar projects that will follow, are not compatible in bulk, scale, or use with the proposed site , or adjacent, and nearby residential uses.***
- ***MET facilities have a harmful effect on the desirable rural neighborhood character.***
- ***The project sites are not suitable for the type of and intensity of commercial industrial use or development*** which is proposed and other foreseeable adverse impacts of the proposed use.
- ***15300.2 Exceptions to 15306 Information Collection and additional exceptions in Public Resource Code 21084 do apply to these MET facilities.***
- ***Cumulative and growth-inducing impacts include proliferation of MET facilities, the wind turbines that follow them:*** visual resources, noise and vibrations, avian and aviation impacts, especially to Golden Eagles, falcons, hawks, and to low flying Border Patrol surveillance helicopters and military aircraft using the established routes of travel over and through the proposed project and surrounding areas.
- ***Damage to scenic and sensitive resources, quality of life, public health and safety, and related property values.***
- ***The PUC/BLM joint Draft EIR/EIS for the ECO Substation, Tule Wind and ESJ found that the NO PROJECT Alternative ranked highest under CEQA requirements due to Class I impacts to Air Quality, Noise, Biological Resources, Visual Character, Fire Fuels, and Cultural Resources--as did the Environmentally Superior Alternative. Enel's project was considered as cumulative. See page ES-24-25 in the linked document:*** [http://www.cpuc.ca.gov/environment/info/dudek/ecosub/Draft\\_EIR/00c-ExecutiveSummary.pdf](http://www.cpuc.ca.gov/environment/info/dudek/ecosub/Draft_EIR/00c-ExecutiveSummary.pdf)

- ***Industrialization of high value scenic rural character, fragmentation of open space and habitat, and introduction of "nuisance stigma"***
- ***Impacted property owners are required by law to report to a prospective buyers all material facts impacting the property's value, desirability, and intended use*** including a reasonably foreseeable wind turbine projects.
- ***Sellers must also disclose that their residential property is adjacent to or subject to commercial /industrial use,*** or affected by a nuisance created by such use--as is the case here.
- ***MET towers serve as Pre-Construction Constructive Notice*** to existing neighboring property owners and any potential buyers of said property that an industrial use may be allowed by the County, and that use may create a nuisance or environmental hazard with impacts to public health and safety. A growing body of evidence now exists that wind turbines can and do have adverse effects on property values, quality of life and public health and safety.

**The following documents are incorporated by reference into the record for the ZA staff report:**

- **The Boulevard Planning Group minutes for December 2, 2010.**
- **The Boulevard MET Tower Map provided at our group's request by LUEG GIS in January 2011.**
- **Figure B-2: Vicinity/Overview Map found at page 5 of this link for the ECO Substation, Tule Wind, ESJ DEIR/EIS:** [http://www.cpuc.ca.gov/environment/info/dudek/ecosub/Draft\\_EIR/B\\_ProjectDescription.pdf](http://www.cpuc.ca.gov/environment/info/dudek/ecosub/Draft_EIR/B_ProjectDescription.pdf)
- **The Appeal of the ZA's approval of the Brucci MET Tower (Ref. Case No: 3000- AD 10-023)** by Backcountry Against Dumps, The Protect Our Communities Foundation, and the East County Community Action Coalition, dated November 29, 2010, and *endorsed by this group in a separate appeal, also dated November 29, 2010.*
- **The McCann Appraisal LLC evaluation of the Brucci MET tower approval** that was included in the ZA appeal noted immediately above.
- **The McCann Appraisal LLC real estate impact evaluation for the Proposed "Project" in joint PUC/BLM Draft EIS / EIR ECO / Boulevard Substation, Tule Wind and Energia Sierra Juarez (ESJ)Gen-tie line to US/Mexico border & Cumulative Projects include Campo Wind, Manzanita Wind and Jordan Wind (Enel Jewel Valley Project), dated March 4, 2011.**
- **e-Coustic Solutions (Richard James, INCE): Review of Noise Studies and Related Material Submitted Regarding East County Substation / Tule Wind / Energia Sierra Juarez Gen-Tie Projects; Dated March 4, 2011** and submitted as formal comment to the PUC/BLM. A smaller version of the Enel Jewel Valley Project was reviewed as a cumulative and reasonably foreseeable project under the name of Jordan Wind.

- **Wind Energy Ordinance Amendments EIR (POD 10-007) Comments by this group, Backcountry Against Dumps, and the Law Offices of Stephan C Volker.**

**Both the Boulevard MET Facility Map and Vicinity Overview Map do not include the following cumulative MET facility projects:** Technically, they are located just outside the Boulevard Planning Area, however, the project locations and reasonably foreseeable industrial scale wind turbines related to the MET facilities, are highly visible from numerous public roadways, public lands, and from many private properties for miles and miles around. They represent additional cumulative impacts to a fairly small geographic area, especially when compared to the County at large:

- **The approved and appealed Brucci MET tower location on La Posta Circle** just west of the Boulevard Planning Area boundary in Miller Valley. A 90-Day Time Extension Approval was granted to project applicant on March 10, 2011. (AD 10-023)
- **The Debenham Energy, LLC MET tower recently installed in the Fred Canyon area of the Cleveland National Forest, just west of our planning area boundary.** (US Dept of Agriculture Special Use Permit Authorization ID DRD021109 for a single MET tower to measure wind energy resources on the Descanso District along Fred Canyon Road, located within the SW1/4 of the SE 1/4 of Section 12, Township 16 South, Range 5 East, SBBM).
- **The illegally installed and unlighted MET tower located in southern Jewel Valley between the railroad tracks and the Southwest Powerlink** just north of Boundary Peak at the border. It is our belief that Debenham Energy installed this tower at or near the same time they installed the MET tower at Fox Acres on Historic Route 80 just east of Tierra Del Sol Road. The illegal Fox Acres MET tower was removed after Codes Enforcement action.
- **Ewiiapaayp MET facility installed on tribal land (AKA Cuyapaipe Reservation).** See this link: [http://apps1.eere.energy.gov/tribalenergy/pdfs/0610review\\_39micklin.pdf](http://apps1.eere.energy.gov/tribalenergy/pdfs/0610review_39micklin.pdf). We have been advised that Pattern Energy and the Ewiiapaayp Band are working with Debenham Energy on a wind turbine project on both Forest and tribal land. It is our understanding that this would be *in addition to* the turbines planned on Ewiiapaayp tribal land as part of the Tule Wind project.

**As of last week the illegally installed and unlighted Jewel Valley MET tower was still standing in an area of frequent low-flying Homeland Security aviation operations.** There is a running creek, riparian area, and abundant bird activity, in the immediate vicinity. It is our understanding that there is an unresolved Codes Enforcement action against this MET tower. The MET tower location should be investigated for any association with the Enel MET applications, or lease area, or if Enel / Padoma used the information collected from this illegal MET facility for their Jewel Valley Project wind energy planning. It has been alleged that they did.

**The Enel Jewel Valley Project has already been identified as a Reasonably Foreseeable and Cumulative Impact Industrial Wind Energy Project:** Please note that the Enel Jewel Valley project is proposed in part on Lansing's Empire Ranch on Jewel Valley Road and other large private ranch lands that either abut or are in close proximity to many other private properties and homes. The Enel project was

identified and included in PUC/BLM DEIR/EIS document as a reasonably foreseeable cumulative impact project.

**However, the Enel project was identified as the smaller Jordan Wind Project in the recent PUC/BLM Draft EIR/EIS for ECO Substation, Tule Wind and Energia Sierra Juarez Gen-Tie projects as copied below.** Enel representatives informed our group that their Jewel Valley Project is 158 MW wind and 10 MW solar project with a new 138 kV line to the proposed new and much larger Boulevard Substation, and a new project switch yard. The excerpt below is copied from the PUC/BLM document, and announces that a preliminary wind energy assessment to construct and operate 40 2.3 MW turbines has been already been conducted.

***"Jordan Wind Project:*** *The developers of the Jordan Wind Project have completed a preliminary wind energy assessment to construct and operate 40 2.3 MW turbines (total generating capacity of 92 MW) west of Boulevard in unincorporated San Diego County. The towers of the proposed wind turbines would be approximately 260 feet tall (height from ground to tip of fully extended blade would be approximately 430 feet). As proposed, construction of the project would occur between February and October 2013, and commercial operations are scheduled to begin in November 2013. The preferred point of interconnection for the Jordan Wind Project is the Boulevard Substation Rebuild component of the ECO Substation Project."* (<http://www.cpuc.ca.gov/environment/info/dudek/ecosub/ecosub.htm>).

#### **Potential unresolved Codes Enforcement Actions on property proposed for Enel project:**

The airstrip on Lansing Empire Ranch property on Jewel Valley Road, (the section of the Enel project south of Historic Route 80) and the extension of that airstrip and removal of numerous mature and health oak trees were never permitted, grandfathered, or authorized by the County and are considered an illegal land use--as so identified in the PUC/BLM DEIR/EIS in their review. It is our understanding that there may be unresolved Codes Enforcement issues / actions regarding illegal land uses that are required to be resolved prior to any new project approvals.

**It is a concern that the ECO Substation 138 kV line makes an evasive jog onto non-participating private land in order to avoid the illegal airstrip.** This is unconscionable and should be addressed by closing the illegal airstrip, that appears to impact surface water flow, and making SDG&E re-route the proposed line onto the Lansing / Enel property that stand to actually benefit from the proposed new 138 KV line.

#### **Wind Energy Ordinance Amendments EIR process (POD 10-007):**

**The Law Offices of Stephan C. Volker submitted comments on the behalf of non-profit groups members that include property owners impacted by the Enel Jewel Valley Project .**

**At page 5, the letter states that:**

*"It is our strong opinion, based on our own research and information presented here and previously, that the installation of an industrial scale MET tower / facility , such as the Brucci MET tower, triggers an immediate response (constructive notice) that industrial scale commercial wind turbines will eventually follow along with all the related adverse effects. There is simply no other need to install a 197' MET tower at an estimated cost of \$25,000 or more."*

The following excerpts are from the linked CEQA Guidelines:

<http://ceres.ca.gov/ceqa/guidelines/art19.html#15300-2>

**Emphasis has been added to the 15300.2 Exceptions that we believe apply to the Enel Jewel Valley MET facility Administrative Permit applications, and support our request for both denial of these applications and a moratorium on future MET facilities:**

#### **15306. Information Collection**

Class 6 consists of basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded.

**Note:** Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

#### **15300.2. Exceptions**

(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

(b) ***Cumulative Impact.*** All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

(c) ***Significant Effect.*** A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances

***Discussion:*** In *McQueen v. Mid-Peninsula Regional Open Space* (1988) 202 Cal. App. 3d 1136, the court reiterated that categorical exemptions are construed strictly, shall not be unreasonably expanded beyond their terms, and may not be used where there is substantial evidence that there are unusual circumstances (including future activities) resulting in (or which might reasonably result in) significant impacts which threaten the environment.

***Public Resources Code Section 21084*** provides several additional exceptions to the use of categorical exemptions. Pursuant to that statute, none of the following may qualify as a categorical exemption: (1) a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources within a scenic highway (this does not apply to improvements which are required as mitigation for a project for which a negative declaration or EIR has previously been adopted or certified; (2) a project located on a site included on any list compiled pursuant to Government Code section 65962.5 (hazardous and toxic waste sites, etc.); and (3) a project which may cause a substantial adverse change in the significance of a historical resource

The following excerpts are from the linked state disclosure requirements:

[http://www.dre.ca.gov/pub\\_disclosures.html](http://www.dre.ca.gov/pub_disclosures.html) :



State of California Department of Real Estate

# Disclosures in Real Property Transactions

Sixth Edition  
2005

"The California Department of Real Estate has published this booklet in response to an apparent need for information concerning disclosures required in real property transactions. This booklet is limited to the most common disclosures required by statute and does not include disclosures required by agreement between the principals (buyer and seller; borrower and lender; lessee and lessor, etc.)."

## 9. Industrial Uses

**A seller who has actual knowledge must disclose on the Real Estate Transfer Disclosure Statement (TDS) or if mandated in the local option TDS, should the property be adjacent to or zoned to allow an industrial use described in Section 731A of the Code of Civil Procedure, or affected by a nuisance created by such use.**

(CAL. CIV. § 1102.17)

### **E. California's Environmental Hazards Pamphlet**

As previously discussed in this section, a California seller of residential real property consisting of 1 to 4 dwelling units (with a few exceptions) must give the buyer a Real Estate Transfer Disclosure Statement (TDS). **The statement must specify environmental hazards of which the seller is aware** (e.g., asbestos, radon gas, lead-based paint, formaldehyde, fuel or chemical storage tanks, contaminated soil or water, etc.). The seller or the seller's agent(s) may give the buyer of real property subject to Section 1102 of the Civil Code or of any other real property, including manufactured housing as defined in Section 18007 of the Health and Safety Code, a pamphlet entitled, "Environmental Hazards: A Guide for Homeowners, Buyers, Landlords, and Tenants." **If the buyer receives the pamphlet, neither the seller nor any agent in the transaction is required to furnish more information concerning such hazards, unless the seller or the agent(s) has/have actual knowledge of the existence of an environmental hazard on or affecting the property.**

(CAL. CIV. § 2079.7)

### **A. Visual Inspection**

Listing and selling brokers/agents must each conduct a reasonably competent and diligent visual inspection of real property, which consists of 1 to 4 dwelling units, that is sold through said brokers/agents. The same obligation applies to manufactured homes (as defined in Health and Safety Code Section 18007) when the foregoing property is being transferred through brokers/agents. **The purpose of the visual inspection is to disclose to the prospective buyer all material facts affecting the property's value, desirability, and intended use....**

**Each agent's inspection certification is contained in the Real Estate Transfer Disclosure Statement. In addition to the foregoing, real estate agents must disclose all material facts affecting the value, desirability, and intended use about which they have or should have notice or knowledge that may not be discernable from the required visual inspection.**

(CAL. BUS. & PROF. § 10176(a); CAL. CIV. § 2079 et. seq.)

The excerpts below can be found on the linked commercial disclosure site (emphasis added):

<http://www.homeguardnhd.com/ourreport.html>



Aside from County and City-level information, the HomeGuard NHD Report also covers the mandatory disclosures as part of Civil Code 1103.

**Commercial and Industrial Zoning Disclosure** is designed as a seller's "actual knowledge" disclosure and is part of the residential purchase agreement contract. For most residential properties, there are various forms of commercial or industrially zoned property within a nearby proximity, including gas stations, shopping centers, restaurants, golf courses, grocery stores, etc., that could adversely affect or possibly enhance a particular desirability of a property. **California Civil Code Section 1102.17 states the seller of residential real property, who has actual knowledge that the property is adjacent to, or zoned to allow, an industrial use as described in Section 731a of the Code of Civil Procedure) or affected by a nuisance created by such a use, shall give written notice of that knowledge before transfer of title. Section 731a of the Code of Civil Procedure states that any city, city and county, or county shall have established zones or districts under authority of law wherein certain manufacturing or commercial or airport uses are expressly permitted**

**Very High Fire Hazard Severity Zones** originated as a response to the 1991 Oakland Hills firestorm. These maps depict a high fire risk due to topography, dwelling density, brush coverage, climate, etc. Properties located in a Very High Fire Hazard Severity Zone (VHFHSZ) are subject to certain fire prevention property maintenance requirements

#### **Additional Disclosures: Environmental Hazards**

More and more agents are protecting themselves and their clients by meeting California's spreading environmental disclosure standard of care. In some counties, nearly all residential transactions include an environmental disclosure report, and inclusion is on the rise across the state. Like all forms of disclosure, in most cases an environmental disclosure report will increase buyer confidence and bring peace of mind to all parties. **Providing an environmental disclosure report with the natural hazard report demonstrates a good faith effort on the part of the real estate agent and the seller to disclose all material property issues.** When a significant problem is found in an environmental disclosure report, it is in the best interest of all parties that the issue has been discovered and disclosed

**Fourth International Wind Turbine Noise Conference April 11-14 in Rome, Italy:**



**The increasing level of interest and participation in this international conference is representative of a growing body of evidence regarding unintended adverse impacts from industrial wind energy installations that demands recognition, attention, and action by county, state and federal agencies and their obligations to protect the public health and safety from all forms of pollutions--including significant adverse noise and visual effects.**

**The first International Wind Turbine Noise Conference took place in Berlin in 2005 had 130 delegates from 22 countries.**

**The Second Wind Turbine Noise conference took place in Lyon, France in 2007 with more than 150 delegates from 24 countries around the world, representing manufacturers, developers, researchers in noise and vibration, environmentalists, pressure groups and consultants.**

**Wind Turbine Noise 2009 Conference took place in Aalborg (Denmark) and attracted more than 160 delegates from 25 countries.** It confirmed that the Wind Turbine Noise Conferences series is now firmly established as the leading international meeting devoted to exploring the origins, propagation and effects of wind turbine noise.

**The 2011 Wind Turbine Noise Conference website states that over 100 abstracts were received from which 87 have been accepted covering the following topics:**

- Effects of wind turbine noise and vibration on individual and collective behaviour (15 papers)
- Noise generation and dependence on atmospheric conditions (11 papers)
- Low frequencies and amplitude modulation (14 papers)
- Small wind turbines and alternative designs (4 papers)
- Propagation and prediction of noise over land and water (9 papers)
- Measurements of wind turbine noise and vibration (27 papers)
- Regulations, policies, planning requirements (7 papers)

**The information noted above and a Preliminary list of Papers Accepted and Classified by Topic can be found at this link: <http://www.windturbinenoise2011.org/>**

**The following articles are offered as further evidence that adverse impacts to property value and quality of life are real instead of just "fear" or speculative, as alleged by the wind industry and those who do not do their own research. This information is available on the internet for easy access by any impacted property owners, potential buyers, county, state and federal reviewing agencies:**

## Turbines declared a nasty neighbour as secret buyout is revealed

Peter Rolfe From: *Sunday Herald Sun* January 30, 2011 12:00AM



Noel Dean and other residents believe the Waubra wind farms have caused medical problems. Picture: Tony Gough *Source: Herald Sun*

**VICTORIANS who have endured health problems from a nearby wind farm have been gagged from talking in return for the sale of their land.**

Spanish multinational energy company Acciona has been quietly buying farms adjacent to its site at Waubra, near Ballarat, as an increasing number of residents in the tight-knit community complain of the ill-effects of living near turbines.

Since the wind farm started operating in July 2009, about 11 houses in the area have been vacated by people complaining of noise problems.

Acciona has bought at least another seven houses, the purchase of two of which appear to have been prompted by the new State Government's threat to shut down the farm unless noise and permit conditions were met.

Locals in the tiny town of 700, 35km northwest of Ballarat, say the sales took place on the proviso landowners would not talk about the price of the purchase or negative health effects they blame on the wind farm.

Residents who refuse to move have accused the company of trying to buy their way out of trouble.

Noel Deans moved from Waubra to Ballarat 18 months ago because he could no longer stand headaches, tinnitus and poor health he believes are caused by high-frequency vibrations from turbines.

"The word is they're buying everyone out and buying some of the other properties nearby just to hush them up," he said.

"They know that we can't fight them. We can't win.

"They make you suffer so that you just want to get out of there. They know that it gets to you emotionally and physically."

Mr Deans refuses to sell his property because he does not want future generations to suffer like his family. He only returns to the farm when he has to -- about once a fortnight -- and says every time he does he gets head pain within five minutes that takes up to 10 days to go away.

Doctors' certificates seen by the Sunday Herald Sun back his claims.

"Once (the vibrations) get inside the house it bounces off the walls and makes you feel sick," Mr Dean said. "If you're exposed to it outside it goes into your inner ear and affects your balance. It's put tinnitus in my ears which stops me sleeping."

He has met the company to discuss his concerns, but said they would only take statements, not answer his questions.

"I said 'I don't want you to buy me out. I want you to fix the problem'," he said. "It's hell on Earth living out there. That's what it is.

"And there's nothing we can do about it. It's a bloody terrible thing.

"It's knocked us around. We're in limbo. We've lost two years of our life and we don't know where it will end. I've put nearly 40 years into that place. It's prime property that I was going to pass down to my son. What am I going to do? I can't work there without being ill."

Former National Trust chairman Randall Bell, now president of Victorian Landscape Guardians, said wind farm companies had a reputation for pulling out their chequebooks to make a problem go away.

"What they do is make people sign gag agreements which dictate that they can't speak about the sales or their health," he said.

"It's a way of shutting people up."

Acciona generation director Brett Wickham said there was no proof wind farms affected people's health, and the plant, which employed about 70 people, was generally well accepted.

He said the most recent two houses bought by Acciona were purchased in September and October last year, when noise levels detected on the property were in breach of the company's planning permit.

And he said confidentiality contracts used by the company were "standard practice for the industry".

"Most of the landowners have actually sought confidentiality agreements as well," he said.

"They are what they are."

But Karl Stepnell, who moved his wife and three children out of Waubra after sleepless nights, heart palpitations, ear pressure and nausea that began when the turbines started turning, disagreed.

"They have bought a lot more houses than seven. There are empty houses all over the place," he said.

"We're all for green energy, but there have to be more conditions on what the wind companies can do."

Planning Minister Matthew Guy, who has the power to shut down the wind farm if it does not comply with its permit, said the Government was watching closely to ensure that wind farm operators played by the rules.

"If they are not complying with their planning permit, I would close it down," he said.

"Just as someone who doesn't comply with a building permit or doesn't pay a parking fine would be in trouble, so will they."

A Senate inquiry into the possible adverse impacts of wind farms will be held later this year.

<http://www.heraldsun.com.au/news/victoria/turbines-declared-a-nasty-neighbour/story-e6frf7kx-1225996775637>

From **The Times** January 10, 2004

## Wind farms ruin peace, says judge

By Lewis Smith <http://www.timesonline.co.uk/tol/news/uk/article1061103.ece>

WIND farms can ruin the peace of the countryside and destroy the value of nearby homes, a judge has ruled.

The ruling is the first of its kind and damages the wind energy industry's assertion that it is "a myth" that property prices are affected.

District Judge Michael Buckley said that the noise, visual intrusion and flickering of light through the blades of turbines reduced the value of a house by a fifth. He said that the value of a remote house in Marton, in the Lake District, fell significantly because of the construction of a wind farm of seven 40m-high turbines 500 metres away.

"The effect is significant and it has a significant effect on the property," he said. "It is an incursion into the countryside. It ruins the peace". Until now the industry has insisted that wind-farm developments do not damage house prices and the British Wind Energy Association even suggests the massive turbines can increase the value of nearby homes.

# Property values blowing in the wind

REALTOR'S REPORT: Proposed turbine projects put damper on residential property sales in Cape Vincent

By [NANCY MADSEN](#) TIMES STAFF WRITER:

<http://www.watertowndailytimes.com/article/20100407/NEWS03/304079990>

WEDNESDAY, APRIL 7, 2010

Sales records show that Cape Vincent has had a steeper decline in residential property sales than its neighbors and real estate professionals are starting to blame proposed wind power developments.

"People do not want to buy near windmills," said Amanda J. Miller, owner of Lake Ontario Realty, Dexter, who specializes in waterfront property sales. "They avoid purchasing in towns like Cape Vincent."

She presented her views and a report on property values to the Jefferson County Board of Legislators on Tuesday night.

In other countries that have had wind power development for a while, they have seen 40 percent to 60 percent drops in resale values, she said. Closer to home, she's had clients pull out of deals and refuse to consider areas that are possible sites for wind turbines.

"Even if people don't mind looking at it, they're not going to put their investment in an area where they're going to have turbines depreciate it," Ms. Miller said in a phone interview on Monday. "They don't want to look at them, see them, and others don't want to buy because they don't know what the wind turbines will do for property values."

WINDFARM REFUGEES WIN TAX CUT See BBC TV News piece: ['Wind farm blights farmhouse'](#).

**Jane and Julian Davis, who have been forced to move from their house by windfarm noise, have now had their loss of amenity and loss in value of their home acknowledged by a Valuation Tribunal which lowered their Council Tax banding in recognition of:**

- **'Significant detrimental effect'**
- **'Nuisance real, not imagined'**
- **'Potential sale price affected'**

## 'HOME OWNERS LIVING NEAR WINDFARMS SEE PROPERTY VALUES PLUMMET'

[The Telegraph](#), 26 July 2008.

**'Thousands of homeowners may see the value of their properties plummet after a court ruled that living near a wind farm decreases house prices.'**



'Estate agents have said no one is likely to buy the Jones's house, which was worth £170,000 before the wind farm was built.'

'In a landmark case, Jane Davis was told she will get a discount on her council tax because her £170,000 home had been rendered worthless by a turbine 1,000 yards away.'

'Estate agents have said no one is likely to buy the Jones's house, which was worth £170,000 before the wind farm was built.'

'The ruling is effectively an official admission that wind farms, which are accused of spoiling countryside views and producing a deafening roar, have a negative effect on house prices.'

'It means many other families living in the shadow of the giant turbines could see thousands wiped off the value of their homes, as the Government pushes ahead with plans to build 7,000 more wind farms over the next decade to meet ambitious green targets.'

'Campaigners also fear ministers want to remove the legal right to complain about noise nuisance, condemning those who live near wind farms to years of blight and reducing the opportunity for them to resist expansion plans.'

[...]See full story: <http://www.telegraph.co.uk/earth/earthnews/3348084/Homeowners-living-near-windfarms-see-property-values-plummet.html>



## FRENCH COURT CONVICTS SELLER FOR NOT REVEALING WIND FARM PLANS

*The judgement confirms the visible harm and noise entailed by the proximity of the wind turbines, determining “that the property will experience a loss of value of about 20%”.*



‘The proximity of a wind energy park (still in planning) could have lowered the price of a real estate property by 20%. The seller of a house in Tigné has been found liable by the court of Angers for “keeping silent”.’

‘The seller of a house sited 1.1 km from a future wind energy park in Tigné was convicted April 9 by the district court of Angers. The buyer of the property discovered, after signing the sales contract, that a wind energy project had been planned for several years in the commune and that the house that he was about to buy for \$euro;180,000 would find itself in the area of six of the projected wind turbines. Considering himself a victim of “withheld information” on the part of the seller, he sought a reduction of the sale price by 20% which was refused.’

### ‘The seller kept silent’

‘The judges determined that the seller “knowingly kept silent” about crucial information for establishing the price of the property and the nature of which puts into question the sales contract. The seller “hid from the construction permit having been signed May 15, 2007, and is therefore not hypothetical ...”.’

'The judgement confirms the visible harm and noise entailed by the proximity of the wind turbines, determining "that the property will experience a loss of value of about 20%". Therefore the sum of €36,000 was given to the buyers of the maison on the claim of damages and interests, the sum corresponding to the lost market value of the property.'

(April 24, 2009 Le Courier de l'ouest) <http://www.windbyte.co.uk/housing.html>

### Conclusion:

As the duly elected land use advisory group for the Boulevard Planning Area, we cannot stand idly or silently by while the likes of Enel Green Power, and other self-serving foreign, domestic, and multi-national corporate interests, continue to introduce nuisance projects that threaten the very future, well-being, and sustainability of our unique high value scenic, environmental, biological, and cultural resources that support and sustain and our rural quality of life, local tourism, public health and safety, and the use ,enjoyment and value of our properties.

These permit applications do not and cannot comply with CEQA exemptions. They represent ***Significant "Detrimental" Effects*** and ***Nuisance Stigma*** related to the reasonably foreseeable commercial industrial wind and solar projects to follow with related and foreseeable adverse effects environmental, health,.

Therefore, the Zoning Administrator must deny all 3 Enel Jewel Valley Permit Applications for all 15 MET facilities.

Sincerely,

/s/

Donna Tisdale, Chair

619-766-4170